

### SECTION 3 - PUPIL MEMBERSHIP COUNT REQUIREMENTS

A local or intermediate school district's state aid is based on membership counts of eligible pupils legally enrolled on or before the specified count day. A pupil's eligibility for membership purposes is based upon enrollment, age, residency, class schedule and attendance.

#### A. Count Days

The pupil membership count days established in the State School Aid Act are as follows:

##### Regular School Year

Fourth (4<sup>th</sup>) Wednesday after Labor Day\*  
Second (2<sup>nd</sup>) Wednesday in February\*

##### Extended School Year

Fourth (4<sup>th</sup>) Wednesday in July  
Fourth (4<sup>th</sup>) Wednesday after Labor Day\*  
Second (2<sup>nd</sup>) Wednesday in February\*  
Fourth (4<sup>th</sup>) Wednesday in April

\*For a district or building in which school is not in session on that Wednesday due to conditions not within the control of school authorities, **with the approval of the Superintendent of Public Instruction**, that district/building pupil membership count will be the immediately following day on which school is in session in the district or building.

**NOTE:** A pupil must be enrolled on or before that state legislated Wednesday count day in order to be eligible for membership purposes on the state waived alternative count date for that district/building.

#### B. Pupil Eligibility Requirements for Membership Purposes

A local or intermediate school district may count a pupil for membership if the district has evidence that all the following occurred:

1. **Pupil Enrollment** - The pupil was enrolled in the local or intermediate school district on or before the specified count day. Enrollment means the actual appearance, in person, at a school at any time during the current school term with the intent to attend school. This enrollment or registration process constitutes the act of becoming a pupil of the school district. An agent of the school district who personally contacts the pupil that is unable to appear at school due to physical incapacity or illness, attested to by a physician or equivalent licensed authority, may enroll that pupil in the district.

Homeless children may either enroll in their school of origin or the district in which they are actually living without regard to state law. Schools are to immediately enroll these children once their status is validated. Entitlement for continued enrollment is for the completion of the current school year.

Children whose custodial parent has been assigned to active duty may enroll in the resident district of the non-custodial parent or the person serving as loco parentis under a special power of attorney executed under applicable law or

continue to be enrolled in the district in which the pupil was enrolled while residing with the custodial parent (MCL 3.1041-3.1042).

**NOTE:** Michigan law requires a public school, when enrolling a transfer student, to request a copy of the student's school records from his or her previous school within 14 days after enrolling the transfer student. The sending school must forward a copy within 30 days of the request (MCL 380.1135(4)).

**2. Pupil Age Requirement** - The Michigan Compulsory Attendance law requires a parent, legal guardian, or other person having control of a child age six to sixteen to send the child to public school during the entire school year, except under limited circumstances. Those circumstances include, but are not limited to, sending the child to a state-approved, nonpublic school or educating the child at home in an organized educational program. The age requirement, which applies to pupils who are counted for membership purposes, is as follows:

- A general education pupil who is five years of age on or before December 1 and less than 20 years of age on September 1 of the school year and does not have a G.E.D. certificate or has not *earned* a high school diploma.
- A special education pupil who is less than 26 years of age on September 1, is enrolled in and receiving instruction in a special education program approved by the Department, and/or receiving transition services as described in an individualized education program and has not *earned* a high school diploma. (a *special education certificate of completion* is not a high school diploma.)
- A pupil who is 16 years of age as of September 1, of the school year, if the pupil is educated in an alternative education program where adult education participants are educated in the same program or classroom.

A foreign pupil or a pupil enrolled through a foreign exchange program who has received *completion status* in another country is **ineligible** to be counted for membership purposes.

**3. Verification of Identity and Age** - The local school district must verify the identity and birth date of all pupils entering school for the first time. The child's identity and birth date may be verified through a variety of methods, including:

- ✓ Birth certificate
- ✓ Baptismal certificate (indicating date/place of birth)
- ✓ Court records
- ✓ Governmental records (county, military, immigration)
- ✓ Doctor or hospital records with a sworn statement
- ✓ Family records (Bible or passport)
- ✓ Life insurance policy

The Michigan Missing Children's Act (MCL 380.1135) requires that the school district must notify the person enrolling at school for the first time that within 30 days he or she must provide to the district either a certified copy of his or her birth certificate **or** any other reliable proof of identification and age along with a notarized affidavit explaining the inability to produce a copy of the child's birth certificate. (The district ~~may copy the enrolling pupil's birth certificate for the pupil's files; however, the district cannot legally retain the pupil's actual birth certificate.~~)

The pupil should be enrolled in the district and reported in the Single Record Student Data system by the child's legal name on his or her birth certificate; except, a child who was unnamed at the time of filing the child's birth with proper authorities may use the child's given name other than "Baby Boy" or "Baby Girl".

**NOTE:** Beginning in 2008-2009, a pupil's correct UIC (Unique Identification Code) will be required when submitting the SRSD files.

4. **Pupil Residency** - A district may enroll resident and nonresident pupils alike in accordance with state law (see Section 4 on Pupil Residency). However, the district of residence must be determined for reporting purposes. A district may require reasonable verification that a pupil meets the requirements for being considered a resident of the school district. Sources of documentation to verify residency status may include a rent receipt, a utility bill, a property tax bill, a voter registration, or a driver's license. Verification may also include establishing the placement with a relative for the purpose of a suitable home and not for educational purposes. A pupil may also meet the residency requirements under the McKinney-Vento Homeless Assistance Act or various exceptions included in the State School Aid Act. A district is not required to retain a copy of the residency documentation but the enrollment records should indicate that the district reviewed residency documentation. For more information on residency related information, see Section 4 - Pupil Residency.
5. **Class Schedule** - The individual pupil's class schedule must indicate the pupil's name, identification number, courses and course numbers the pupil is enrolled in, the day and time this pupil is scheduled for each course, and the instructors' names. This class schedule is used to aid in determining the pupil's FTE count and is used by the auditor to find the pupil in class-by-class attendance records.

**NOTE:** An alternative education pupil who participates in the seat-time waiver program is required to have a class schedule specifying the courses for which this pupil is enrolled. A mentor teacher must be assigned.

6. **Pupil Attendance** - Local boards of education have the authority to adopt attendance policies addressing the number of days a pupil may lose due to illness or other causes. Although the law does not mandate that school district policies distinguish between excused and unexcused absences, the State Board of Education has taken the position that districts should make this distinction. Counting the pupil class-by-class for membership purposes on the specified pupil count day means that the pupil was in attendance and received instruction in all classes on the count day (documented by the appropriate attendance records), or appropriately met one of the following criteria:
  - a. The pupil had an authorized excused absence on the count day and attended all classes at least once within 30 calendar days of the count day.
  - b. The pupil had an unexcused absence on the count day, was enrolled and in attendance prior to the count day, and attended all classes at least once during the next ten (10) consecutive school days.
  - c. The pupil was enrolled and in attendance in this district, intermediate district,

or public school academy prior to the pupil membership count day or supplemental count day but was suspended or expelled on the pupil membership count day or supplemental count day and resumes attendance in all classes in the district within 45 days after the pupil membership count day or supplemental count day. (See 5N Suspension and Expulsion.)

### **C. Audit Appeal Process**

The appeal process of the district's audit of pupil counts may be a three step process. The first step must occur within ten (10) days following the ISD auditor's findings. This step is informal and consists of the district working with the auditor to reach a reasonable solution following the pupil accounting guidelines required by state legislation, school code, or administrative rules. The second and third steps of the appeal process are at the state level.

The first step in the appeal process to the state is to submit an appeal of the audit to the Director of the Office of Audits. This step must be made within 30 days after receiving the ISD audit report or the ISD decision on the informal appeal.

### **D. Regulatory References**

#### State Aid Act Sections:

388.1606(4)(1)  
388.1606(4)(m)  
388.1606(4)(o)  
388.1606(a)

#### Administrative Rules:

340.1 – 340.18

#### State Aid Act Section:

388.1606(7)(a)  
388.1606(7)(b)  
388.1606(8)

#### Revised School Code Sections

380.1135  
380.1561

### **Birth certificate:**

Q #1: District A faxed the pupil's records to District B. Among those records was a copy of the pupil's birth certificate. Is this good enough or must District B copy the certified copy of the pupil's birth certificate?

A #1: The Missing Children's Act requires that the parent(s) or legal guardian provide a certified copy of the pupil's birth certificate. "Provide" simply means that the parent shows the certified copy of the pupil's birth certificate to the administrator who is completing the enrollment process. It does not mean keeping the pupil's birth certificate or even copying the birth certificate. A checklist, which includes the statement that the parent presented a certified copy of the pupil's birth certificate, is sufficient. Furthermore, the enrolling district cannot be certain that the person enrolling the child is the same person that enrolled the child in the previous district.

### **Enrollment and attendance:**

Q #2: A pupil was enrolled in the district but has not attended school prior to the count day. May the district count the pupil if that pupil attends within the 10 days following the count day?

A #2: The referencing of the 10-day rule infers that this was an unexcused absence.

Unexcused absences require that the pupil attend school at least once prior to the count day. The pupil is ineligible to be counted for membership.

Q #3: An elementary pupil attended the district for the past four years. Over the summer, the pupil was in an accident and is comatose. The teacher of record is marking this pupil absent. The district is not providing homebound/hospitalized services because the pupil is incapable of doing schoolwork at this time. May the district count this pupil for membership purposes?

A #3: According to the district itself, the district is not providing any educational services to this child. Therefore, the district cannot count this child for membership purposes. However, if this child were to regain consciousness and the district provides the minimum required two sessions of homebound/hospitalized services within a given week during the 30 calendar days following the count day, then the district may count the pupil.

Q #4: Due to extenuating circumstances a pupil was absent in District A on count day. The pupil was placed with relatives in District B. This pupil was enrolled in District B after the count day. Since no other district received the membership count, may the new district count this pupil?

A #4: No. The child was not enrolled in District B on or prior to the count day. Due to the circumstances, this child is now a resident of District B (residing with a relative for the purposes of a suitable home). Thus, District B must enroll the child and provide an education. Further, District A does not receive the membership count as the pupil was absent on count day and never returned.

#### **Residency:**

Q #5: A mother enrolls her child using her boy friend's address. The mother claims that she and the child reside there. The mother's drivers' license is at that address but she has no bills to produce to prove her residency. Do we have to enroll the child?

A #5: The mother and child could very well be residing with the mother's friend without the benefit of matrimony and the mother may very well not have a bill in her name. A driver's license is one of the many items that are listed as possible "proofs" of residency. The district could always ask the mother and her friend to sign a statement that the mother and child are residing in the district with the mother's friend.

#### **Absent on count day:**

Q #6: A student had an unexcused absence on count day. The student returned on the Friday that was the tenth day that school was in session following the count day; however, there was a bomb scare and the first and second periods were not in session on that tenth day. May the district count the student for first and second periods although he was not in attendance in those two classes or may the district use the following Monday as the tenth day?

A #6: The 10-day rule for unexcused absences on count day is based upon the district being "in session". Since the district was in session for third –sixth period on Friday and Friday was the tenth day that school was in session after the count day, the district must use Friday as the tenth day for third – sixth periods. Monday may be used

as the tenth day following count day for first and second periods only.

Q #7: District A operates on a block schedule. Blocks 1, 3, 5, and 7 are in session on count day. Blocks 2, 4, 6, and 8 are not in session until the following day. The student attended all four blocks on the count day. The student has not returned to school since count day. Does the district get a full FTE for this student since he attended school all day on count day?

A #7: Section 6(8), of the State School Aid Act, requires that attendance be taken class-by-class on count day. Since blocks 2, 4, 6, and 8 were not in session on count day, the district must use the following day to take attendance in blocks 2, 4, 6, and 8. The student must be in attendance each of those four blocks following the 10/30 day rule in order to be eligible for membership purposes for blocks 2, 4, 6, and 8. Section 6(8) also specifies that a student who is ineligible to be counted for a full FTE because the student had not returned to "each" class may be counted for a pro-rated FTE. Since the student has not returned to school during the 10/30 days, the district may count .5 FTE for that student.

Q #8: The district operates on an eight blocks schedule. Blocks 1, 3, 5, and 7 are in session on Monday, Wednesday, and every other Friday. Blocks 2, 4, 6, and 8 are in session on Tuesday, Thursday, and the opposite Friday. The district used the pupil attendance on the Thursday following the supplemental count day for blocks 2, 4, 6, and 8. The student was suspended all of count week. The district has had two snow days since the supplemental count day. The district's attendance policy treats suspensions as "unexcused" absences. Is the ten-day rule ten days following count day? If the student returns on the tenth day, may the district count the pupil for a full FTE?

A #8: There are two different issues in this question. The first issue has to do with when the ten days are up for an unexcused absence and the second issue has to do with when a suspended or expelled pupil must return to class in order to be eligible to be counted for membership purposes.

The first issue - the ten-day rule is ten days that school is in session from the day that the pupil count was taken. Thus, the ten-day rule for blocks 1, 3, 5, and 7 would end on the tenth day that the district was in session following the Wednesday count date and the ten-day rule for blocks 2, 4, 6, and 8 would be on the tenth day that the district was "in session" following the Thursday the district used to take the count. (That is a potential five days for either set of blocks.) The student must return to each block that he is enrolled in on or before the ten days are up or the district must pro-rate the FTE.

The second issue- section 6(8), of the State School Aid Act, grants the district the right to count a pupil who had been suspended or expelled during the count period if that pupil returned to the expelling or suspending district within forty-five days from the count day or supplemental count day.

### **How does the district determine the 10/30 day rule?**

Q # 9: A pupil had an "unexcused" absence on the count day and must return within 10 school days following the count day. If the school district scheduled a teacher professional development day during the ten days following count day, and if the

district is counting those teacher PD hours toward the 1,098 hours requirement, does that teacher professional development day count as one of the ten days following the count day?

A #9: The ten-day rule applies to the first ten days that pupils are scheduled to be in attendance and receiving instruction following the count day. The pupil must return within the first ten pupil-scheduled days. Although the hours for the teacher professional development may be counted as pupil instruction and applied to the 1,098 hours requirement, the ten-day rule is actual hours that pupils are scheduled to attend. Pupils cannot be scheduled to be in attendance when that teacher professional development is taking place or the PD hours would not apply to the minimum required 1,098 hours of pupil instruction.

**Pupil Instruction not scheduled on count day:**

Q #10: The school district scheduled teacher professional development for the first two hours on count day. Does the district claim a full FTE for all pupils who attend third through sixth period? If not, may the district use the following day for the count day?

A #10: There is no alternative count day for the September membership count day or the supplemental count day. If an emergency should occur for a district, building, or program that caused cancellation of school on the September count day or the supplemental count day, a waiver from the Superintendent of Public Instruction would be required to use an alternative count day. An emergency in this situation must be circumstances beyond the control of school authorities such as a snow storm, a power outage, water/sewage line break. The teacher professional development for that count day must be canceled or rescheduled.

**Which district gets the count?**

Q #11: A pupil from District A was sent to a Department approved youth home in District B on the Tuesday prior to the count day. The pupil returned to District A the following Monday. District A gave the pupil an "unexcused" absence and counted this pupil. District B counted the pupil for membership because the pupil was residing at the youth home and was required to attend classes on the count day. Which district actually receives the FTE count?

A #11: It is understandable that District A believed that the pupil met the requirements in section 6(8), of the State School Aid Act, however, section 6(4)(d) reads as follows: "A pupil placed by a court or state agency in an on-grounds program of a juvenile detention facility, a child caring institution, or a mental health institution, or a pupil funded under section 53a, shall be counted in membership in the district or intermediate district approved by the department to operate the program." Thus, District B gets the membership count for this pupil who had been state agency placed in the youth home.